REMARKS

Claims 1-6 are all the claims pending in the application. The Examiner has rejected each claim under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement. It is the Examiner's position that the specification fails to provide an enabling disclosure sufficient to allow one of ordinary skill in the art to generate or derive the mapping tables recited in the claims. As discussed below, Applicant respectfully traverses this rejection.

Claim 1 recites "an apparatus for calculating color temperature, comprising a color temperature selecting portion...; a distance calculating portion...; and a color temperature calculating portion..." Each of the color selecting portion, distance calculating portion and color temperature calculating portion is enabled in the specification and the Examiner does not appear to contend otherwise. Thus, Applicant submits that the Examiner's enablement rejection should be withdrawn.

Further, Applicant submits that the Examiner has failed to meet his burden as set forth in the MPEP for rejections premised on an alleged non-enabling disclosed. As stated in MPEP 2164.04, "[b]efore any analysis of enablement can occur, it is necessary for the examiner to construe the claims. *See also Genentech v. Wellcome Foundation,* 29 F.3d 1555, 1563-64 (Fed. Cir. 1994). For terms that are not well-known in the art, or for terms that could have more than one meaning, it is necessary that the examiner select the definition that he/she intends to use when examining the application, based on his/her understanding of what applicant intends it to mean, and explicitly set forth the meaning of the term and the scope of the claim when writing an Office action. *Id.* The Examiner has failed to construe the claim term, i.e., mapping table, upon which the rejection is premised. The rejection must fail for this reason alone.

Nonetheless, Applicant submits that the specification is, in fact, enabling. "The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation." *United States v. Telectronics, Inc.*, 857 F.2d 778, 785 (Fed. Cir. 1988) A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d 660, 661 (Fed. Cir. 1991). Applicant submits that one of ordinary skill in the art could make and use the claimed invention based on the disclosures in the specification and the knowledge of those of ordinary skill in the relevant art without undue experimentation.

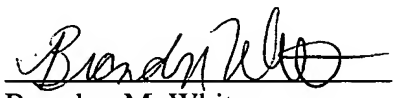
The Examiner's rejection is based on an alleged failure to sufficiently disclose the "mapping table" recited in the claims. However, the claims recite "a mapping table, the table mapping a chroma to a color temperature." Persons of ordinary skill in the art would readily appreciate how to derive such a mapping table. A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d 660, 661 (Fed. Cir. 1991). Thus, it is not necessary and, according to *Buchner*, preferable that the Applicant omit a detailed description of the mapping table.

Furthermore, claim 2 recites an apparatus wherein "the one-dimension chroma is one coordinate of the CIE XYZ coordinates." Applicant submits that CIE XYZ coordinates are well known in the art and need not be disclosed in the specification.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Brandon M. White
Registration No. 52,354

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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23373
CUSTOMER NUMBER

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